

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIMETREUS ADAMS,

Petitioner,

-against-

SUPERINTENDENT OF ELMIRA
CORRECTIONAL FACILITY, et al.

Respondents.

24cv6265 (LTS)

CIVIL JUDGMENT

For the reasons stated in the October 15, 2024, order, this action is dismissed. By order dated August 22, 2024, the Court directed Petitioner, within thirty days, to submit a completed request to proceed in forma pauperis (“IFP application”) or pay the \$5.00 in fees required to file a petition for a writ of habeas corpus in this court. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an IFP application or paid the fee. Accordingly, the complaint is dismissed without prejudice. See 28 U.S.C. §§ 1914, 1915. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: October 18, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge